

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:05cr141-MEF
)	
ROY TERRY)	

**UNITED STATES' MOTION FOR
DOWNWARD DEPARTURE FOR SUBSTANTIAL ASSISTANCE**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and pursuant to Section 5K1.1 of the United States Sentencing Guidelines, respectfully requests this Honorable Court to depart downwardly to offense level 28, and as reasons therefore, submits the following:

1. The United States herein states that Roy Terry has provided substantial assistance in the investigation of another person involved in a federal crime within the Middle District of Alabama. As detailed in the PSI, Roy executed an extensive scheme to defraud in connection with the decline of Terry Manufacturing. Roy has admitted his involvement from the beginning and, in a proffer with the government, provided details concerning the involvement of his brother, Rudolph, in the scheme. The government believes that Roy's willingness to cooperate was a substantial factor in Rudolph's decision to plead guilty to the information that was filed against him.

2. The Government submits that a departure to offense level 28 and a sentence of 78 months gives Roy due credit for his cooperation while imposing a significant punishment for his conduct.

3. The United States submits that Roy has, from the time of his proffer, been truthful with the Government.

4. As part of the plea agreement, Roy has waived his right to appeal and/or collaterally attack the sentence imposed in this case.

Wherefore, premises considered, the United States moves this Honorable Court for a downward departure to offense level 28 and recommends a sentence of 78 months.

Respectfully submitted this the 8th day of September, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

George L. Beck, Jr., Esq.

Respectfully submitted,

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